IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9710 OF 2004

Jalpa Viren Vora ....Petitioner
vs.
Viren Rasiklal Vora .....Respondent

Manjiri Shah i/b. Rajani Iyer for the petitioner.

H.R.Bubna for the respondent.

CORAM: S.U. KAMDAR, J.

DATE : 23RD DECEMBER, 2005.

P.C. :

1. The present petition is challenging the order passed by the Trial court fixing the interim maintenance of Rs.7000/- per month. Learned counsel appearing for the petitioner has contented that the said amount of maintenance should be enhanced. It has been contended that the lifestyle of the petitioner during the matrimonial period was luxurious and therefore the trial court is in error in fixing a meagre amount of Rs.7000/- as maintenance. In support of the aforesaid contention learned counsel has relied upon the judgment of this court in the case of Vinod Dulerai Mehta vs. Kanak

Vinod Mehta reported in AIR 1990 Bom.120 as well as the judgment of the single judge of this court in the case of Vidula Bhalchandra Limaye vs. Bhalchandra Vinayak Limaye and anr reported in 1990 Mh.L.J.. I have considered the aforesaid submission made by the learned counsel. The Family court in the impugned order has considered in detail the income of the petitioner and after taking into consideration the income of the petitioner the family court has arrived at a figure of Rs.7000/-. In para-10 of the said judgment the income tax returns of the respondents are also considered. In the light of the fact that the family court has arrived at Rs.7000/- per month by taking into consideration all the aspects of the matter including the lifestyle as pleaded by the petitioner before the trial court, I am of the opinion that the order passed by the trial court does not suffer from any infirmity and/or require any interference of this court under Article 227 of the Constitution of India. Petition accordingly fails and dismiss the same. No order as to costs.

sd/-

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